

# EXHIBIT 2

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF TEXAS

3 HOUSTON DIVISION

4 UNITED STATES OF AMERICA

5 VERSUS

6 EHAB ASHOOR,

7 Defendant.

. Criminal Action  
. No. H-09-CR-307  
. Houston, Texas  
. January 11, 2010  
. . . . .

8 . . . . .  
9 EXCERPT OF TRANSCRIPT OF PROCEEDINGS  
10 BEFORE THE HONORABLE DAVID HITTNER AND A JURY  
11 TESTIMONY OF **WARREN JAY WIDENER, LEE CHIEFFALO,**  
**DEWAN CURESTON BRITTON, AND DANIEL NUGENT**

12 APPEARANCES:

13 FOR THE UNITED STATES OF AMERICA:

14 Mr. Jason Scott Varnado  
15 Mr. Gregg Jeffrey Costa  
16 Assistant United States Attorneys  
17 UNITED STATES ATTORNEY'S OFFICE  
18 910 Travis, Suite 1500  
19 Houston, Texas 77002  
20 713.567.9617  
21 713.567.9345  
22 FAX: 713.718.3300  
23 jason.varnado@usdoj.gov  
24 gregg.costa@usdoj.gov

25 FOR THE DEFENDANT:

Mr. Erich C. Ferrari  
MC NABB ASSOCIATES, PC  
1455 Pennsylvania Avenue, NW  
Suite 400  
Washington, DC 20004  
202.280.6370  
FAX: 202.318.8268  
ferrari@mcnabbassociates.com

PROCEEDINGS RECORDED BY STENOGRAPHIC MEANS,  
TRANSCRIPT PRODUCED FROM COMPUTER-AIDED TRANSCRIPTION

Gayle Dye, CSR, RDR, CRR - 713.250.5582

1 APPEARANCES

2 (continued)

3 FOR THE DEFENDANT:

4 Mr. Douglas C. McNabb  
5 MC NABB ASSOCIATES, PC  
6 Two Allen Center  
7 1200 Smith Street  
8 Suite 1600  
Houston, Texas 77002  
713.237.0011  
FAX: 713.583.1516  
mcnabb@mcnabbassociates.com

9  
10  
11  
12  
13  
14 COURT REPORTER:

15 GAYLE L. DYE, CSR, RDR, CRR  
16 515 Rusk, Room 8016  
Houston, Texas 77002  
17 713.250.5582  
18  
19  
20  
21  
22  
23  
24  
25

Gayle Dye, CSR, RDR, CRR - 713.250.5582

1	INDEX OF WITNESSES	
2		Page
3	FOR THE GOVERNMENT:	
4	<b>WARREN JAY WIDENER</b>	
5	DIRECT EXAMINATION BY MR. VARNADO	5
6	CROSS EXAMINATION BY MR. FERRARI	45
7	REDIRECT EXAMINATION BY MR. VARNADO	51
8	RECROSS EXAMINATION BY MR. FERRARI	52
9	<b>LEE CHIEFFALO</b>	
10	DIRECT EXAMINATION BY MR. COSTA	52
11	CROSS EXAMINATION BY MR. FERRARI	74
12	<b>DEWAN CURESTON BRITTON</b>	
13	DIRECT EXAMINATION BY MR. VARNADO	78
14	CROSS EXAMINATION BY MR. FERRARI	113
15	REDIRECT EXAMINATION BY MR. VARNADO	119
16	RECROSS EXAMINATION BY MR. FERRARI	121
17	<b>DANIEL NUGENT</b>	
18	DIRECT EXAMINATION BY MR. COSTA	122
19		
20		
21		
22		
23		
24		
25		

52

Widener-Recross/Ferrari-Chieffalo-Direct/Costa

1 MR. FERRARI: One more question, your Honor.

2 RECROSS EXAMINATION

3 BY MR. FERRARI:

4 Q Mr. Widener, is it possible for somebody to purchase  
03:49:42 5 outside an authorized distribution network and obtain a genuine  
6 Cisco product?

7 A It is possible.

8 MR. FERRARI: No more questions, your Honor.

9 THE COURT: All right. Thank you, sir. You may step  
03:49:52 10 down. You're excused. You're free to leave. You can remain in  
11 the courtroom should you desire.

12 Call your next witness.

13 MR. COSTA: The United States calls Lee Chieffalo,  
14 your Honor; and he was not sworn earlier.

03:50:06 15 THE COURT: Okay.

16 Please raise your right hand to be sworn.

17 (The witness, **LEE CHIEFFALO**, called on behalf of the  
18 Government, was sworn.)

19 THE COURT: Have a seat, please.

03:50:35 20 DIRECT EXAMINATION

21 BY MR. COSTA:

22 Q Good afternoon, Staff Sergeant Chieffalo.

23 A Good afternoon, sir.

24 Q Would you please state your name and spell your last name  
03:50:49 25 for the court reporter.

Gayle Dye, CSR, RDR, CRR - 713.250.5582

Chieffalo - Direct/Costa

1 A My name is Staff Sergeant Lee Chieffalo, C-h-i-e-f-f-a-l-o.  
2 Q And what is that uniform you're wearing in court today?  
3 A It's a Marine Corps Service Alpha uniform.  
4 Q And how long have you been with the Marine Corps?  
03:51:04 5 A Ten years.  
6 Q And what is your current rank?  
7 A Staff sergeant.  
8 Q And what are your duties as a staff sergeant?  
9 A My current -- my current military occupational specialty  
03:51:10 10 is networking systems engineer.  
11 Q And did you have any computer experience before you joined  
12 the Marine Corps?  
13 A Just a little bit of low voltage control work. But all the  
14 training that I have is from the Marine Corps.  
03:51:22 15 Q How did you -- once you got into the Marine Corps, how did  
16 you get directed into technology work?  
17 A I came in and was guaranteed the communications field.  
18 From there, they decided to put me in data communications, and I  
19 found a passion for it and been doing it ever since.  
03:51:37 20 Q And where are you currently stationed?  
21 A Currently stationed at Camp Foster in Okinawa, Japan.  
22 Q And have you done any tours in Iraq since you joined the  
23 Marine Corps?  
24 A I've done two tours in Iraq. One was from January of '06  
03:51:51 25 to March of '07 and then January of 2008 to February, 2009.

Gayle Dye, CSR, RDR, CRR - 713.250.5582

Chieffalo - Direct/Costa

1 A In 2005.

2 Q How long did the course last?

3 A Seven months.

4 Q And who's attending this course, generally?

03:58:14 5 A The people that are attending this course are the most --  
6 more highly skilled data Marines in my field. There's some  
7 pretests that you have to take to get into it in order to even  
8 be accepted into the school; and we're all the ones that are  
9 becoming network and systems engineers to be dispersed to places  
03:58:32 10 like this to build and maintain the infrastructures.

11 Q And are the instructors all military or were there some  
12 private companies that bring instructors into this course?

13 A There were both. We had military and instructors from  
14 Cisco and Microsoft there.

03:58:45 15 Q And you said you received Cisco certification. Was that in  
16 part from completing this course?

17 A I have. Yes.

18 Q Why was there such an emphasis on Cisco trainers there and  
19 the Cisco certification? Why was Cisco a big part of that?

03:58:59 20 A The Marine Corps' network infrastructure is solely Cisco  
21 equipment.

22 Q Why is that?

23 A We have -- we have -- we send out specifications for what  
24 we need equipment to do, and Cisco meets those specifications on  
03:59:17 25 pretty much everything. They custom design a lot of equipment

Gayle Dye, CSR, RDR, CRR - 713.250.5582

Chieffalo - Direct/Costa

60

1 for the military use, and we use that -- that equipment  
2 exclusively. And as well, we have an enterprise level contract  
3 with Cisco so we could -- if there's any hardware or training  
4 issues that we need, we can just contact the company directly  
03:59:34 5 and get those handled.

6 Q And once you've set up a network and it's running with  
7 Cisco equipment, when you need to replace parts or get  
8 additional parts, would you want to also use Cisco parts?

9 A Yes.

03:59:45 10 Q Why is it when you're adding parts you want them to also be  
11 Cisco?

12 A A lot of -- a lot of the equipment that Cisco uses has  
13 proprietary protocols and software on them that operates only  
14 with other Cisco gear; and that's primarily the reason why we  
04:00:01 15 use Cisco. Also, it's built to specifications that we use for  
16 reliability and environmental hardness per se.

17 Q In that contract you have for service with Cisco?

18 A Yes.

19 Q What was the network you were helping to build there at Al  
04:00:19 20 Taqaddum? What was that network being used for by the Marines?

21 A It was being -- we had two operational networks, one  
22 classified and one unclassified. It was used to provide  
23 Internet e-mail, voice and video services to anybody that needed  
24 it throughout all the base, anywhere on base, and combat  
04:00:37 25 outposts and forward operating bases outside of TQ.

Gayle Dye, CSR, RDR, CRR - 713.250.5582

USCA5 498



Chieffalo - Direct/Costa

1 Q And TQ, is that the name you-all gave this base?

2 A Yes.

3 Q You said the network also affected operations outside the

4 base. Can you explain that?

04:00:51 5 A We had multiple forward operating bases and combat outposts

6 that came back to us for communications either via radio,

7 microwave, or satellite transmission.

8 Q And so I think you said part of this was just to establish

9 e-mail and Internet access?

04:01:07 10 A Yes. Yes, sir.

11 Q And there was non-classified e-mails that the Marines could

12 use?

13 A Yes, sir.

14 Q Maybe to send messages back to family back home? Would

04:01:15 15 that be one use?

16 A Yes, sir.

17 Q I want to talk about the classified network. What were

18 some of the uses of the classified network that ran on this

19 computer network you helped build?

04:01:24 20 A The classified network, we mainly -- we did all of our

21 battle operations on the classified. A lot of intelligence was

22 shared back and forth between commanders and different

23 locations. The -- a lot of convoy operations, troop movements,

24 air operations, call for fire, medevacs, all that stuff was done

04:01:45 25 over the classified network.

Gayle Dye, CSR, RDR, CRR - 713.250.5582

Chieffalo - Direct/Costa

1 Q Any intelligence get transmitted through that classified  
2 network?

3 A All of the intelligence got transferred through the  
4 classified network.

04:01:55 5 Q Generally, what types of intelligence?

6 A Aerial photos, the predators' video feeds, weapons caches  
7 that were found, identifications of enemy locations, enemy  
8 strongholds, the BATS System which was used to identify  
9 fingerprints of all the Iraqis that worked on base so they could  
04:02:15 10 move from one base to another. We'd know who they were. And if  
11 they got in trouble in one location, we would know who they were  
12 at another.

13 Q You called it the BAT System?

14 A BATS.

04:02:27 15 Q BATS?

16 Was that BATS System a key part of the security  
17 at the base?

18 A It was integral to the security of the base. We had a lot  
19 of Iraqis that worked on it, and that's how we controlled who  
04:02:34 20 they were and if they were allowed on base or not.

21 Q What about communications between the base and Marines who  
22 might be out on a mission on the front lines? Were there any  
23 radios that would be used that relied on the computer network?

24 A All the -- we had what was called a Rippernet, radio over  
04:02:52 25 IP network, which was, basically, the combat outposts and the

Gayle Dye, CSR, RDR, CRR - 713.250.5582

Chieffalo - Direct/Costa

1 forward deployed Marines would use their satellite radios.  
2 Instead of being traditionally re-transed through another radio  
3 system, it would come back through the data network and be  
4 routed -- could be routed to anywhere in Iraq and any commander  
04:03:08 5 can look at -- listen to those radio signals.  
6 Q What would the effect be if the network went down for a  
7 significant amount of time?  
8 A The ultimate effect is people could die.  
9 Q Why is that?  
04:03:20 10 A Marines could die. I mean, if they were under fire and  
11 they needed to call for air support or artillery support or  
12 CASEVAC, I mean, that was all done over the classified network.  
13 Q I want to focus on your second tour. And you were there  
14 during 2008 --  
04:03:37 15 A Yes, sir.  
16 Q -- as part of the second tour?  
17 What was -- when you got back for your second  
18 tour, what was the status of the network at that time?  
19 A We moved mainly to a commercial-based network environment,  
04:03:49 20 something that you'd see in your own cities for the most part.  
21 Q Why did you want to move to this commercial network?  
22 A Iraq was becoming less of a combat fluid environment and  
23 more of commercialized. We were trying to rebuild the  
24 infrastructure; and we were becoming a permanent presence there  
04:04:07 25 for the most part, sir.

Gayle Dye, CSR, RDR, CRR - 713.250.5582

USCA5 501

1 Ladies and gentlemen, thank you for your  
2 attention today. It's moving along quickly.

3 Is that correct, counsel?

4 MR. COSTA: Yes, very much so.

05:57:55 5 THE COURT: Okay. So we're doing fine. We'll see you  
6 tomorrow morning ready to resume at 10:00 a.m. You can take  
7 your books and leave them in there, and we'll see you tomorrow  
8 at 10:00 a.m. Thank you and good afternoon.

9 (Court recessed for the day at 5:58 p.m.)

10

11

12

13

C E R T I F I C A T E

14

15 I certify that the foregoing is a correct transcript  
16 from the record of proceedings in the above-entitled matter, to  
17 the best of my ability.

18

19 By: /s/Gayle L. Dye

01-16-2010

20 Gayle L. Dye, CSR, RDR, CRR

Date

21

22

23

24

25

Gayle Dye, CSR, RDR, CRR - 713.250.5582